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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

DANG, PHONG SON H

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3773

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/580,756	Applicant(s) KALADELFOS, GEORGE	
	Examiner SON DANG	Art Unit 3773	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05/26/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. Claims 1, 8-9 are objected to because of the following informalities: Claim 1 recites "Operating mean" and Claim 8-9 recite "handle member" which directed to the same number "50" in the specification and in the drawings. They is inconsistent in terminology. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,871,488 to Tovey et al. (Tovey).

In Reference to Claim 1:

Tovey teaches:

A ligature carrier and suturing device (10, Fig. 1) comprising: an elongate shaft member (16, Fig. 1) having a distal end and a proximal end; a needle carrier (20, Fig. 1) located at or adjacent the distal end of said elongate shaft member (16, Fig. 1), said needle carrier (20, Fig. 1) comprising a rigid arcuate tooth member (20, Fig. 4A, 20 is partially arcuate at the proximal end where 34 is in Fig. 4A) and having a first end (proximal of 20, Fig.4A) and a second end (distal of 20, Fig. 4A) and being pivotable at the first end about an axis which lies

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transverse to the longitudinal axis of the shaft member (16, Fig. 4A), the needle carrier (20, Fig. 4A) adapted to carry on the second end thereof a needle (100, Fig. 4A) with a suture (110, Fig. 4C) attached thereto; a needle capture means (18, Fig. 4A) located on the shaft member (16, Fig. 4A) intermediate the distal and proximal ends thereof (intermediate shaft 16 which including support member 22), said needle capture device (18, Fig. 4A) being adapted to engage with and capture the needle (100, Fig. 4A) carried by the arcuate tooth (20, Fig. 4A); and an operating means (50, Fig. 4) coupled to the needle carrier (20, Fig. 4) and operable to cause the arcuate tooth member (20, Fig. 3) to pivot through an arc so that the needle (100, Fig. 4) engages with and is captured by the capture device (18, Fig. 4), the operating means (50, Fig. 4) being operable from a location at or adjacent said proximal end of the shaft member (16, Fig. 4).

In Reference to Claim 2:

Tovey teaches:

A ligature carrier and suturing device according to claim 1 (see rejection of Claim 1 above), wherein the operating means (50, Fig. 4) comprising a connecting rod (40, Fig. 4) located within a longitudinal passage extending along said shaft member (16, Fig. 4) and being engaged with said needle carrier (20, Fig. 4).

In Reference to Claim 3:

Tovey teaches:

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A ligature carrier and suturing device according to claim 2 (see rejection of Claim 2 above), wherein the engagement between the connecting rod (40, Fig. 4) and the needle carrier (20, Fig. 4) comprises a lever (42, Fig. 4A) arrangement adapted to drive the arcuate tooth (20, Fig. 4A) through said arc.

In Reference to Claim 4:

Tovey teaches:

A ligature carrier and suturing device according to claim 2 (see rejection of Claim 2 above), wherein the needle carrier (20, Fig. 4) includes a slot (48, Fig. 3), said connecting rod (40, Fig. 3) being slidably engaged (via lever 42 and 44, Fig. 3) with said slot (48, Fig. 3) so as to cause the needle carrier (20, Fig. 3) to pivot about the first end (proximal of 20) as said connecting rod (40, Fig. 3) moves longitudinally in relation to said shaft member (16, Fig. 3).

In Reference to Claim 5:

Tovey teaches:

A ligature carrier and suturing device according to claim 1 (see rejection of Claim 1 above), wherein the needle carrier (20, Fig. 4A) is biased (with blade 64, Fig. 4A) such that the needle (100, Fig. 4A) is urged away from said needle capture means (18, Fig. 4A).

In Reference to Claim 6:

Tovey teaches:

A ligature carrier and suturing device according to claim 1 (see rejection of Claim 1 above), wherein at least a portion of the second end (distal of 20, Fig. 3)

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of the needle carrier (20, Fig. 3) is hollow (26, Fig. 3) to receive the needle (100, Fig. 4) therein.

In Reference to Claim 8:

Tovey teaches:

A ligature carrier and suturing device according to claim 1 (see rejection of Claim 1 above) further comprising a handle means (33, Fig. 4) located at or adjacent the proximal end of said shaft member (16, Fig. 4).

In Reference to Claim 9:

Tovey teaches:

A ligature carrier and suturing device according to claim 8 (see rejection of Claim 8 above), wherein the handle means (33, Fig. 4) is coupled to said operating means (50, Fig. 4) such that movement of said handle means (33, Fig. 4) causes the needle carrier (20, Fig. 4) to be advanced towards said needle capture means (18, Fig. 4).

In Reference to Claim 10:

Tovey teaches:

A ligature carrier and suturing device according to claim 9 (see rejection of Claim 9 above), wherein said handle means (33, Fig. 4) is arranged such that the device (10, Fig. 4) is held and operated by a single hand of a user.

In Reference to Claim 11:

Tovey teaches:

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A ligature carrier and suturing device according to claim 9 (see rejection of Claim 1 above), wherein said handle means (33, Fig. 4) comprises a moveable lever and a grip, said lever being coupled to said operating means (50, Fig. 4).

In Reference to Claim 12:

Tovey teaches:

A ligature carrier and suturing device according to claim 1 (see rejection of Claim 1 above), wherein the needle capture means (18, Fig. 4) is biased (with blade 62, Fig. 4A) such that when the needle (100, Fig. 4A) is advanced by said needle carrier (20, Fig. 4A) to said needle capture means (18, Fig. 4A) the needle capture means engages with the needle (100, Fig. 4A) automatically, and when the needle carrier (20, Fig. 4A) is moved away from the needle capture means (18, Fig. 6A), the needle (100, Fig. 6A) disengages from said needle carrier (20, Fig. 4A) and remains captured.

In Reference to Claim 13:

Tovey teaches:

A ligature and suturing device according to claim 1 (see rejection of Claim 1 above), wherein the needle capture means (18, Fig. 4) is manually operable by a user from the proximal end of the shaft member (16, Fig. 4).

In Reference to Claim 14:

Tovey teaches:

A ligature and suturing device according to claim 12 (see rejection of Claim 12 above), wherein the needle capture means (18, Fig. 6A) captures the

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needle (100, Fig. 6A) by engaging with a recess (104, Fig. 4C) in the needle (100, Fig. 4C).

In Reference to Claim 15:

Tovey teaches:

A ligature and suturing device according to claim 12 (see rejection of Claim 12 above), wherein the needle capture means (18, Fig. 4A) is manually operable from the proximal end of the shaft member (16, Fig. 4) by a user to allow the needle (100, Fig. 4A) to be released from the needle capture means (18, Fig. 4A).

In Reference to Claim 17:

Tovey teaches:

A ligature and suturing device according to claim 13 (see rejection of Claim 13 above), wherein the needle capture means (18, Fig. 6A) captures the needle (100, Fig. 6A) by engaging with a recess (104, Fig. 4C) in the needle (100, Fig. 4C).

In Reference to Claim 18:

Tovey teaches:

A ligature and suturing device according to claim 13 (see rejection of Claim 13 above), wherein the needle capture means (18, Fig. 4) is manually operable from the proximal end of the shaft member (16, Fig. 4) by a user to allow the needle (100, Fig. 4A) to be released from the needle capture means (18, Fig. 4A).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent No. 5,454,823 to Richardson et al. teaches a suturing apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SON DANG whose telephone number is (571)270-5809. The examiner can normally be reached on Monday-Friday 7:30 AM - 5:00 PM EDT.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jackie Ho can be reached on 571-272-4696. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SD

/(Jackie) Tan-Uyen T. Ho/

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Supervisory Patent Examiner, Art Unit 3773